

INTRASTATE MUTUAL AID

LTC DAVE THIELE
Staff Judge Advocate
North Dakota National Guard

Burn Ban



HB 1186

- Declared by principle executive officer of county or city
- Cannot be continued or renewed for more than 7 days without full board approval
- Prompt publicity and filed with auditor
- Penalty added in 2005—an infraction (\$500 fine-2nd offense may be charged as Class B misdemeanor-1 year and \$1,000)

PROCLAMATION
BURN BAN, XXXXXX COUNTY, NORTH DAKOTA

14 Sept 2005

WHEREAS, XXXXXX County, North Dakota is under abnormally dry conditions; and

WHEREAS, XXXXXX County has either sustained or been threatened with rural fires as of this date; and

WHEREAS, all available resources remain committed to protecting life and property; and

WHEREAS, the impact of fires could threaten the health, well-being, and safety of citizens in XXXXXX County; and

WHEREAS, the cost of response and the inordinate equipment wear may be far in excess of available County resources.

NOW, THEREFORE, BE IT RESOLVED, that the Board of XXXXXX County Commissioners declare a Burn Ban for XXXXXX County, North Dakota until further notice. **ANY INDIVIDUAL WHO WILLFULLY VIOLATES THIS BURN BAN IS GUILTY OF AN INFRACTION.**

DATED at xxxxxxxx, North Dakota this 14th day of Sept, 2005.

xxxxxxxxxxx, Chairman
xxxxxxxxxxx County Commission

Intrastate Mutual Aid

NDCC 37-17.1-24, 25

- Coordinated response
- Emergency grant funds and other reimbursement
- Unless other terms have been specifically agreed to...
- Fire Dept., Law Enforcement Agency, EMS operation, and any other public, tribal, or private group that responds...

Intrastate Mutual Aid

- Must designate incident command system
- No responsibility to respond or to continue support-cannot be held liable for damages if support is withdrawn—PURELY VOLUNTARY!
- Incident commander in charge of resources
- You pay salaries and benefits for your own people as if they are still working for you

- You are responsible for costs and maintenance on your own equipment
- Normal death and injury rules apply to all as if still working for normal employer (work comp, etc..)

Do you need a formal agreement?

- You can use the statute without any formal MOU
 - Does everyone agree to terms?
 - Time delay to ensure rules are understood?
 - Do you know assets and capabilities of your possible responders?
 - Has the county or city commission agreed or created the authority to respond quickly?

Benefits

- Does not supersede existing agreements
- Consistency of agreement-wide-spread use made easier
- Covers main areas of concern
- Created with input from all agencies and associations

Useful Info Links

- EMAC Model Intrastate Aid
<http://www.emacweb.org/?150>
- Public Health Emergency Law (CDC)
 - <http://www2a.cdc.gov/phlp/docs/Unit%205.pdf>

Contact info-

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QUESTIONS?